



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 02880-00

2 October 2000

SH1-S [REDACTED] USN  
[REDACTED]  
[REDACTED]

Dear Petty Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 28 June 2000, a copy of which is attached, and your undated letter with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board duly noted the enclosures to your undated letter, particularly the documentation concerning your placement on limited duty. However, they were unable to find the contested endorsement inaccurately or unfairly evaluated your performance, nor could they find the reporting senior was unaware of the pertinent information concerning your fitness for duty. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

2880-00  
1610  
PERS-311  
28 June 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: SH1(SH [REDACTED] USN [REDACTED])

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of the reporting senior's second endorsement to his performance evaluation for the period 16 November 1997 to 13 May 1998.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member indicated he did desire to submit a statement. The member's statement and the reporting senior's endorsement are properly reflected in his record.

b. The endorsement to Petty Officer [REDACTED] statement was properly submitted. Nothing provided by the member demonstrates that the performance evaluation for the period 16 November 1997 to 13 May 1998 or the reporting senior's endorsement is in error. The performance evaluation represents the reporting senior's judgment of the member's performance. The authority to submit a statement concerning a performance evaluation allows the member to set forth his position with respect to the report. The reporting senior's endorsement to the statement finalizes the process.

c. Once a member's statement and the reporting senior's endorsement is received and found suitable for filing, it becomes an official part of the member's record and not subject for removal just because the member now desires to have it removed.

d. The member mentions a letter from a doctor, however, the member did not include it with his petition.

e. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.

A large, dark, irregularly shaped redacted area covering the signature of the official.

Head, Performance  
Evaluation Branch